

MINUTE ITEM

9/26/66

37. LITIGATION, "PATCH VS. STATE", MODOC COUNTY SUPERIOR COURT NO. 6735 -
W.O. 503.408.

After consideration of Calendar Item 38 attached, and upon motion duly made
and unanimously carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE APPROVAL OF THE
STIPULATION OF FACTS IN THE CASE OF "PATCH VS. STATE OF CALIFORNIA", MODOC
COUNTY SUPERIOR COURT NO. 6735, AND AUTHORIZES THE OFFICE OF THE ATTORNEY
GENERAL TO CONSENT TO JUDGMENT IN ACCORDANCE THEREWITH.

Attachment

Calendar Item 38 (1 page)

38.

LITIGATION, "PATCH VS. STATE", MODOC COUNTY SUPERIOR COURT NO. 6735 -
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The subject quiet title action was instituted in 1962 to determine the extent of the State's reserved interest in a parcel of land within the meander lines of Pelican Lake (also known as Cow Head Lake) in T. 47 N., R. 17 E., M.D.M., Modoc County. Pursuant to application for Swamp and Overflowed Lands Location No. 4245, State patent was issued on February 25, 1946, to Russell M. Powell and J. V. D. Patch, the latter being the plaintiff in subject action. The sale embraced a portion of the bed of Pelican Lake, a body of nonnavigable water, in which the State's title vested by reason of its original ownership of the adjacent swamp and overflowed lands. After considerable correspondence with the Office of the Attorney General, two amendments to the Complaint have been filed and a "Stipulation of Facts", satisfactory to the staff and the Attorney General's office, has been prepared, reserving all minerals to the State, and defining the boundary, but disclaiming any other State interest since the same was previously conveyed to predecessor in interest of the plaintiff.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE APPROVAL OF THE STIPULATION OF FACTS IN THE CASE OF "PATCH VS. STATE OF CALIFORNIA", MODOC COUNTY SUPERIOR COURT NO. 6735, AND AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO CONSENT TO JUDGMENT IN ACCORDANCE THEREWITH.